IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 425/2005

MOHAN LAL RAWAT Vs. J.K. DRAPPERS

DATE: 06.02.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Tarun Kumar for
Mr. Anand Sharma for the petitioner.
Mr. Sumer Singh Shekhawat for the non-petitioner.

****

The instant criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 22.03.2005 passed by the Additional Sessions Judge (Essential Commodities Act), Jaipur in Criminal Appeal No. 109/2003 (89/2002), whereby the appeal filed by the non-petitioner against the judgment of sentence dated 27.04.2002 passed by the Judicial Magistrate No.8, Jaipur City, Jaipur in Criminal Case No. 572/1999 has been allowed and the judgment of the trial Court has been reversed and the non-petitioner accused has been acquitted from the charge under Section 138 of the Negotiable Instruments Act.

I have heard rival submissions of the respective parties and have also gone through the impugned judgment passed by the Appellate Court.

It is not disputed that the against the cheque amounting to Rs. 50,000/-, the accused non-petitioner has already made the payment of Rs. 66,000/- and the parties have entered into a compromise, though the compromise was not registered and acknowledged but this fact was not denied that the amount has been received by the petitioner as per the compromise. Thus, the compromise was given effect.

In view of these facts, the appeal of the non-petitioner has rightly been allowed and the judgment of the trial Court has rightly been quashed and set-aside by the Appellate Court vide its impugned judgment dated 22.03.2005. I find no illegality or error apparent on the face of the record in the impugned judgment and no interference whatsoever is required by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

/KKC/